IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

C.W.P. No.842 of 2007

Judgment reserved on: 9.10.2007

Date of decision:23rd Oct. 2007.

Shankar Bhagat Negi ....Petitioner

-Versus-

State of H.P. and others ….Respondents

Coram:

The Hon'ble Mr.Justice Deepak Gupta, Judge.

The Hon'ble Mr.Justice V.K.Ahuja, Judge.

Whether approved for reporting? No

For the Petitioner: Mr.Ravinder Thakur, Advocate.

For Respondents: Mr.M.S.Chandel, Advocate General with Mr.A.Burathoki, Addl.A.G. for respondents 1 to 3.
Mr.B.C.Negi, counsel for R-5.

Deepak Gupta,J.

The petitioner by means of this writ petition has challenged the selection of respondent No.5 as Physical Education Teacher on PTA basis in Government Senior Secondary School, Raksham.

The main ground raised by the petitioner is that no marks have been given to him for MPED examination on the ground that the University, namely, Indira Gandhi Institute of Physical Education and Sports Sciences (Institute of Delhi) from which he has passed the MPED course is not a recognized institution.

We had issued notice and have seen the original record. From the record we find that the petitioner has been granted 5.7. marks in

accordance with the percentage obtained by him in the MPED course.

Faced with this situation Sh.Ravinder Thakur submitted that his client has not been granted marks for his experience in teaching and has also not been granted any marks for having done the graduation. These points were not raised by the petitioner in his writ petition. Furthermore, we find that the petitioner has been granted 3.5 marks for his experience of about 10 months in teaching. As far as graduation is concerned that is neither an essential nor a desirable qualification under the Rules. The essential qualifications are 10th, 10+2, BPED and the petitioner has been granted marks for all these as well as for his MPED. We have perused the entire record of selection and find that the selection has been done strictly in consonance with law and there is no infirmity in the same. The petition is therefore without any merit and is accordingly rejected. No costs.

(Deepak Gupta),
Judge

October 23, 2007.
PV

(V.K. Ahuja),
Judge